



Delaware Department of Labor (DOL)

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FY22 EEO/AA Report and FY23 Action Plan

Fiscal Year 2022

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Delaware Department of Labor  
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**MEMORANDUM**

TO: Claire DeMatteis  
Cabinet Secretary, Department of Human Resources

FROM: ~~Karryl~~ Hubbard  
Secretary, Delaware Department of Labor

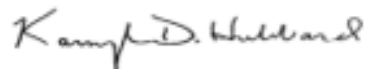
SUBJECT: Delaware Department of Labor  
FY22 Equal Opportunity Employment/Affirmative Action Report  
and FY23 Action Plan

DATE: December 5, 2022

Attached is a copy of the Delaware Department of Labor FY22 Equal Employment Opportunity/Affirmative Action Report and FY23 Action Plan submitted in accordance with *Executive Order No. 30, Delaware's Continuing Commitment to a Respectful Workplace*.

If you have any questions, please feel free to contact me at 302-761-8008 or ~~Karryl~~Hubbard@delaware.gov.

Thank you.  
Sincerely,



~~Karryl~~ Hubbard  
Secretary of Labor

Enclosures

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# STATE OF DELAWARE

## DEPARTMENT OF LABOR (DOL)

### FY 2022/FY 2023 EEO REPORT AND ACTION PLAN



Delaware Department of  
**Human Resources**

| RESPECTFUL WORKPLACE AND ANTI DISCRIMINATION POLICY <sup>1</sup> Statewide |  |
|--|--|
| DHR-Policy #: To be assigned.  | Authority: 29 Del. C. Chapter 90D (as applicable); 19 Del. C. Chapters 711, 712, 716, 717 and 720 (as applicable); Merit Rule 2.1; Executive Order #30   |
| Effective Date: July 25, 2022.   | Supersedes: June 24, 2019 Respectful Workplace and Anti-Discrimination Policy; June 2017 Policy on Anti-Discrimination, Workplace Harassment and Retaliation P17-001; Dec. 18, 2002 - Revised Oct. 2005 Policy on Sexual Harassment Prevention |
| Application: Executive Branch Agencies                                     | Signature: <i>Clair M. Dwyer</i>   |

#### 1. Policy Purpose Statement

The State of Delaware (State) strives to create and maintain a work environment where people are treated with dignity, decency, and respect. The accomplishment of this goal is essential to the mission of the State. The work environment of the State is characterized by mutual trust and the absence of intimidation, oppression, and exploitation. Employees must work and learn in a safe, respectful, and stimulating atmosphere. For that reason, the State will not tolerate unlawful discrimination or harassment of any kind. Managers and supervisors are responsible for fostering a workplace environment free of discrimination and harassment. Through enforcement of this policy and education of employees, the State seeks to prevent, correct, and discipline behavior that violates this policy.

All employees are covered by and are expected to comply with this policy and to take appropriate measures to assure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include, but not be limited to, written reprimand, suspension, or termination of employment.

#### 2. Scope

This policy applies to all employees, and for this policy includes unpaid interns, joint employees, and apprentices, and includes workplace conduct by individuals such as outside vendors, contractors, consultants, customers, or constituents.

Conduct prohibited by this policy is unacceptable in the workplace and in any work-related setting outside the workplace, including business trips, business meetings, and business-related social events.

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The terms of this policy supersede any Statewide or related Executive Branch Agency policy and procedure.

**3. Definitions and Acronyms**

- **Complainant** - An individual who makes a complaint and begins the complaint process.
- **Discrimination** - Unlawful discrimination is the unjust or prejudicial treatment of individuals, based on their membership in a protected class.
- **Equal Employment Opportunity (EEO) Officer** - A Department of Human Resources (DHR) employee designated to manage EEO responsibilities at an agency.
- **Harassment** - Unwelcome conduct that is based on an individual's protected class. Harassment becomes unlawful when: 1) enduring the offensive conduct becomes a condition of continued employment; or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. The behavior need not be intentional in order to be considered harassment.
- **Investigation Findings** - Complaint investigations will result in one of the following conclusions: substantiated, partially substantiated, or unsubstantiated. Substantiated means that the research and/or evidence through corroboration verifies the allegation. Partially substantiated means that the research and/or evidence through corroboration verifies some but not all the allegations asserted in the complaint. Unsubstantiated means that research and/or evidence failed to find sufficient evidence to support or verify the Complainant's claim.
- **Investigator** - A DHR employee or other designee assigned to begin an inquiry to determine whether there is a reasonable basis for moving forward with an investigation of the alleged violation of this policy and if so, to conduct an investigation.
- **Protected Class** - Protected classes under this policy are a person's race, protective hairstyle, color, national origin, gender, age, sex, creed, pregnancy, marital status, family responsibilities, sexual orientation, gender identity or expression, veteran's status, religion, genetic information, disability, status as a victim of domestic violence, sexual assault and/or stalking, or any other category protected by applicable State and/or federal laws.
- **Respondent** - The party against whom a complaint is made, and who is responsible for providing a response to the complaint under this policy.
- **Retaliation** - An act of reprisal, interference, restraint, penalty, discrimination, intimidation, or harassment against any individual(s) taken because that individual(s) has exercised rights under this policy, or State, or federal anti-discrimination laws, and that would reasonably discourage the individual from making a complaint.

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- **Sexual Harassment** - Conduct defined in 19 Del. C. § 711A(c) which includes when an employee is subjected to unwelcome sexual advances, requests for favors, and/or other verbal or physical conduct of a sexual nature when: 1) submission to such conduct is made explicitly or implicitly a term or condition of employee's employment; 2) submission to or rejection of such conduct is used as the basis for employment decisions affecting an employee; or 3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive work environment.

**4. Policy**

The State promotes a safe and respectful work environment in compliance with all applicable State and federal anti-discrimination and anti-harassment laws and regulations and enforces this policy in accordance with the following standards:

**a. Discrimination**

It is a violation of this policy to discriminate in the provision of employment opportunities, benefits, or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's protected class.

**b. Harassment**

The State prohibits harassment of any kind and will take prompt and effective action in response to alleged violations of this policy. Unlawful harassment is when enduring the offensive conduct becomes a condition of continued employment or the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. This conduct may result in a **hostile work environment**. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees or third parties, including constituents and customers.

The following illustrations of harassment are intended to be examples and are not exhaustive when determining whether there has been a violation of this policy:

- **Verbal harassment** includes offensive or unwelcome comments regarding a person's membership in a protected class, including jokes, slurs, and negative stereotyping.
- **Nonverbal harassment** includes distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles, or shows hostility, aversion, or disrespect toward an individual or group because of membership in a protected class, including inappropriate staring, touching, hand gestures, posters, cartoons, and other nonverbal conduct.

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**c. Sexual Harassment**

The State prohibits sexual harassment and will take prompt and effective action in response to alleged violations of this policy.

Sexual harassment occurs when unsolicited and unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature:

- is made explicitly or implicitly a term or condition of employment;
- is used as a basis for an employment decision; and/or
- unreasonably interferes with an employee's work performance or creates an intimidating, hostile or otherwise offensive environment.

Types of sexual harassment:

- **"Quid pro quo" harassment**, where submission to harassment is used as the basis for employment decisions. This can be providing employee benefits such as raises, promotions and/or better working hours directly linked to compliance with sexual advances. Examples: A supervisor promising an employee a raise if s/he goes on a date with her/him; a manager telling an employee s/he will fire her/him if s/he does not have sex with her/him.
- **"Hostile work environment,"** where the harassing conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile or offensive. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, or third parties, including constituents and customers. Hostile work environment harassment may include comments of a sexual nature, unwelcome sexual materials, or unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons, or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment may take different forms. The following illustrations of sexual harassment are intended to be examples and are not exhaustive when determining whether there has been a violation of this policy:

- **Verbal sexual harassment** includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibited form of harassment, including that which is sexual in nature and unwelcome.

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- **Nonverbal sexual harassment** includes the distribution, display, or discussion of any written or graphic material, including calendars, posters, and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets, and internet postings; or other forms of communication that is sexual in nature and offensive.
- **Physical sexual harassment** includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and assault.

**d. Retaliation**

The State prohibits retaliation and will take prompt and effective action in response to alleged violations of this policy. No tangible hardship, loss, or penalty may be imposed on an employee in response to:

- Filing or responding to a complaint of discrimination or harassment;
- Appearing as a witness in the investigation of a complaint; or
- Serving as an investigator of a complaint.

**e. Violation**

Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include, but not be limited to, written reprimand, suspension, or termination of employment.

**f. EEO Officer**

DHR shall designate an employee to serve as the Agency's [EEO Officer](#).

**5. Complaint Procedures**

An employee may obtain information from their Supervisor, their Agency's Human Resources (HR) representative, Agency EEO officer, or the Labor Relations & Employment Practices (LREP) section representative at DHR about the filing of a discrimination or harassment complaint.

**a. Complaint Process**

The State will treat courteously any person who invokes this complaint procedure, and the State will handle all complaints swiftly and as confidentially as possible considering the need

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to conduct a fair and thorough investigation. Filing a complaint in good faith will not be used against the employee or have an adverse impact on their employment status. An employee who is the recipient of unwelcome conduct should attempt to communicate to the offender their objection to the conduct whenever possible. If the employee is not comfortable addressing the conduct with the offender or if that has occurred and the conduct continues, an aggrieved employee is encouraged to report incidents of alleged harassment as soon as possible. Complaints are to be submitted individually by the employee alleging harassment or discrimination.<sup>2</sup> The process in this Respectful Workplace Anti-Discrimination Policy shall not serve as an appeal following the disposition of an administrative decision (grievances pursuant to Merit Rules or a Collective Bargaining Agreement (CBA), discrimination charges filed at the Delaware Department of Labor (DDOL), or Equal Employment Opportunity Commission (EEOC)). Filing a false or malicious complaint is an abuse of this policy and will be treated as a violation.

**b. Confidentiality and Employee Assistance Program**

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the Complainant will be protected to as great a degree as possible. The expressed wishes of the Complainant for confidentiality will be considered in the context of the State's legal obligation to act on allegations of discrimination, harassment, or retaliation, and the obligation to conduct a fair and thorough investigation. During the investigation and afterward, all parties, including witnesses when applicable, will be required to maintain strict confidentiality. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential.

The Employee Assistance Program (EAP) provides confidential counseling services to State employees enrolled in one of the State's health plans. Individuals wishing to discuss an incident confidentially or seeking information and/or advice of a personal nature are encouraged to contact the EAP. The role of the EAP in such cases will be limited to personal counseling and treatment for the person who is then an EAP client. Contacting the EAP will not qualify as notification to the State of a potential harassment or discrimination issue.

**c. Complaint Procedure**

The State has established the following procedure for filing a complaint of harassment, sexual harassment, discrimination, or retaliation (based on protected class). The State will treat all aspects of the procedure confidentially to the extent reasonably possible. Prompt reporting of complaints is encouraged, so that prompt response and appropriate action may be taken. If a supervisor or manager becomes aware of allegations of harassment or discrimination, from personal observation, as a result of a Complainant or another individual coming forward, the supervisor or manager shall discuss the concern or incident with the

<sup>2</sup> This policy does not contain provisions for group complaints.



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employee and attempt to resolve the matter in consultation with Agency Labor Relations (LR) or HR representative.

- 1) An employee (Complainant) who believes they have been harassed, discriminated, or retaliated against may initiate the complaint process by filing a complaint in writing with any of the following:

- Supervisor
- Manager
- Agency's Equal Employment Opportunity Officer
- Agency's LR or HR representative
- Labor Relations & Employment Practices section representative of the Department of Human Resources.

For this complaint procedure, the employee alleging workplace harassment, discrimination or retaliation is not required to file a complaint with the alleged offender.

- 2) Complainants making verbal complaints will be required to complete the Respectful Workplace and Anti-Discrimination Complaint Form (Complaint Form). To proceed with an inquiry into the complaint, the Complainant must submit a written and signed Complaint Form containing sufficient details to investigate whether a violation of this policy may have occurred. The Complainant may obtain the Complaint Form online or from their Agency LR or HR representative.
- 3) If a supervisor or manager becomes aware of allegations of harassment or discrimination, either from personal observation or as a result of a Complainant or other individual coming forward and attempts at resolving the matter with the employee are not successful, the supervisor or manager shall provide the employee with this policy and complaint form and also report allegation(s) in writing to their Agency's LR or HR representative as soon as reasonably possible.
- 4) Upon receiving a Complainant's written complaint or being advised by a supervisor or manager of an alleged violation of this policy, and no later than five (5) business days, their Agency's DHR representative must notify in writing the LREP section of DHR of the complaint and must consider any measures for the protection of the Complainant or alleged victim (i.e., transferring work location of the subject of the complaint, contacting law enforcement, etc.). If the complaint is received by LREP, they shall notify the DHR representative assigned to the Complainant's agency within five (5) business days.
- 5) Within five (5) business days of receiving the written complaint from a Complainant, LREP will review and act upon the complaint. If multiple process requests (complaints or grievances) are filed on the same issue, LREP may consolidate the submissions to address the issue more effectively and efficiently. An employee or other party will be assigned as an Investigator (hereinafter "Investigator") to begin an inquiry to determine

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whether there is a reasonable basis for moving forward with an investigation of the alleged violation under this policy and, if so, to conduct the investigation. There may be circumstances when a complaint may be investigated under the [Standards of Conduct Policy](#). With harassment complaints involving an outside vendor, consultant, or similar independent contractor, the Investigator will notify the outside vendor, consultant, or similar independent contractor of the complaint, and the matter will be addressed jointly with the outside entity's employer. Harassment complaints involving a customer will be handled with the customer directly on a case-by-case basis.

- 6) During the investigation, the Investigator will interview the Complainant, the Respondent, and any witnesses; review relevant documents and other media; conduct other investigative actions to determine whether the alleged conduct occurred. Interviews may only be recorded with prior written consent of both the Investigator and the individual being interviewed or their representative. If either party refuses the recording, no participants will be allowed to record the interview or subsequent proceedings. The investigation will adhere to any relevant statute, Merit Rule, or CBA term.
- 7) If a harassment complaint involves an employee who has been charged with criminal misconduct, DHR is to conduct an investigation to determine whether the employee's conduct violated this or other State policy. The Investigator shall work with the Deputy Attorney General (DAG) assigned to the criminal complaint upon the initiation and throughout the progress of the administrative investigation. As the Investigator takes measures to coordinate with the DAG, it may cause the investigation to exceed the time limits imposed on such complaints.
- 8) State employees shall cooperate fully with any investigation covered under this policy. Failure to cooperate with investigations may result in disciplinary action.
- 9) As soon as reasonably possible but no longer than ninety (90) business days of receiving a complaint, the Investigator will conclude the investigation. The Investigator prepares a full written report (Report) that consists of their findings, conclusion, and recommendations. Based on the findings and criteria in this policy, the complaint investigation will result in one of the following conclusions: substantiated, partially substantiated, or unsubstantiated. If it is determined that a violation of this policy has occurred, the Investigator will work collaboratively with the Agency management representative to determine appropriate corrective action. Corrective action may include, but is not limited to, mandatory referral to EAP, additional training, and disciplinary action up to and including termination. If additional time is needed to complete the investigation, the Complainant and Respondent will be notified.
- 10) The designated Agency management representative shall review the report within five (5) business days and return to the Investigator who will ill share the Report with the DHR Secretary or designee (LREP) for review and finalization.

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- 11) If the investigation is unsubstantiated, or partially substantiated, or if it is determined that there has been no violation of this policy, the DHR representative or designated Agency management representative may still recommend action (e.g., additional training, voluntary EAP referral, etc.).
- 12) Within five (5) business days of the determination, the Investigator will meet with the Complainant and the Respondent separately and notify each of the investigative conclusion (whether it was substantiated, partially substantiated, or unsubstantiated).
- 13) Any corrective action is to be administered within thirty (30) business days of the latter of these meetings by the Respondent's supervisor/manager. If additional time is needed, the Complainant and Respondent will be notified.
- 14) Any disciplinary action(s) shall be processed in accordance with Merit Rules, relevant statutes, and/or CBAs, where applicable.
- 15) Filing a harassment complaint according to this policy will not extend the time frames prescribed by statute by which an employee may file a formal complaint through the Merit Rules, the DDOL's Office of Anti-Discrimination, the EEOC, a Collective Bargaining Agreement (CBA), if applicable, or any court or regulatory body.

**6. Exclusions or Exceptions**

- a. The Legislative and Judicial Branches and Offices of Elected Officials are excluded but are encouraged to adopt this policy.
- b. If a complaint is filed against an employee in a law enforcement position whose classification is covered by the Law Enforcement Officers' Bill of Rights (LEOBR), agencies are to follow LEOBR investigative and other procedures, and Section 5.c. Complaint Procedure numbers 1) through 12) shall not apply.
- c. The Delaware Department of Correction maintains a separate investigative process conducted by ranking Correctional Officers at facilities, and Section 5.c. Complaint Procedure numbers 1) through 12) shall not apply.
- d. The Delaware Department of Safety and Homeland Security, Division of State Police maintains an investigative process conducted by the Office of Professional Regulation for employees in the Division of State Police, and Section 5.c. Complaint Procedure numbers 1) through 12) shall not apply.
- e. The State is not required to provide training under this subsection to applicants, independent contractors, or employees employed less than 6 months continuously.

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**7. Dissemination and Training**

**a. Dissemination**

- 1) This policy shall be disseminated to all employees with acknowledgment of receipt within thirty (30) business days of the commencement of employment.
- 2) This policy shall be posted by each State agency on its premises where notices to employees and applicants for employment are customarily posted.
- 3) The DDOL Sexual Harassment Notice shall be distributed, physically or electronically, to all new employees at the commencement of employment.
- 4) Each Agency is to post the contact information of their designated EEO Officer.

**b. Training**

- 1) The State shall provide all employees interactive training to prevent sexual harassment and other forms of discrimination in this policy and procedures within one (1) year of commencement of employment and thereafter every two (2) years.

The State shall provide all supervisors (newly hired and promoted) additional interactive supervisory training to prevent sexual harassment and other forms of discrimination in this policy and procedures within one (1) year of commencement of employment in the position and thereafter every two (2) years.

- 2) Successful completion of this training shall be documented in the Delaware Learning Center.
- 3) Each Agency is responsible for their employees adhering to these requirements.
- 4) Each covered employee is responsible for attending required trainings within the designated time frame.

**8. Data Reporting**

All agencies are required to:

- keep records of complaints of harassment; and
- track and report to DHR annually discrimination and harassment complaints, with sexual harassment complaints, tracked separately.

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**9. Associated Policy/Regulations/Information**

- a. The procedures under this policy do not preempt or supersede any legal procedures or remedies otherwise available to a target of discrimination or harassment under State or federal law.
- b. Making a complaint according to this policy will not extend the time frames, prescribed by statute, by which any person must file a formal complaint through the Merit Rules, the DDOL's Office of Anti-Discrimination, the EEOC, a CBA, if applicable, or any court or regulatory body.
- c. The deadline for filing a charge with the DDOL or the EEOC under State and federal laws is three hundred (300) days from the date of the alleged discriminatory action.
- d. [Standards of Conduct Policy and Procedures](#)

**10. Appendices and Forms**

- [Respectful Workplace and Anti-Discrimination Complaint Form](#)
- [Delaware Sexual Harassment Notice from Department of Labor](#)

**11. Policy Owner**

- **Division Name:** Division of Labor Relations and Employment Practices
- **Policy Administrator:** Director of the Division of Labor Relations and Employment Practices
- **Website:** <https://dhr.delaware.gov/labor/index.shtml>

*This policy is not intended to create any individual right or cause of action not already existing and recognized under State or Federal law. If there is a conflict with, i.e., the law or regulation and this policy, the law and/or regulation govern.*

Karryl Hubbard  
Cabinet Official/Agency Head Signature

09/02/2022  
Date

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**SECTION I: POLICY STATEMENT**

SEE THE STATE OF DELAWARE RESPECTFUL WORKPLACE AND ANTI-DISCRIMINATION POLICY

**SECTION II: EXECUTIVE SUMMARY**

**SUMMARY STATEMENT:**

The Department of Labor connects people to jobs, resources, monetary benefits, workplace protections and labor market information to promote financial independence, workplace justice, and a strong economy. The DOL pledges its continued support of the state of Delaware's program on equal employment opportunity affecting employment practices, to include recruitment and selection, promotions, terminations, transfers, compensation and training, and other terms and conditions as set forth in the Governor's Executive Order 30

We are aware of the lag time related to posting, issuing cert lists, interviewing, and filling. Former HR Recruitment Manager, Janette Castro, worked on reinforcing the time frames when issuing cert lists to hiring managers and following up to ensure that time-to-fill and time-to-hire metrics are met. We do show an improvement this year but know there are always additional improvements to be made. In subsequent meetings with Talent Acquisition, we have realized some of this lag time may be due to the recruitments not being updated timely in *JobAps*. Our new Recruitment Specialist is working on this situation to improve the updating of hires so we can get a true reflection in our reports and continue to improve in this area.

Additional challenges in FY22 were the continued turnover the agency is facing, and a lack of applicants for postings. We have participated in Job Fairs, worked with Employment & Training, and utilized social media to increase our visibility in order to attract candidates.

| <b>DEPARTMENT SUMMARY</b>                                   |                       |
|---|-----------------------|
| <b>Names of Divisions</b>                                   | <b># of Employees</b> |
| Administration/Office of the Secretary/OOLMI                | 36                    |
| Unemployment Insurance                                      | 70                    |
| Industrial Affairs  | 74                    |
| Vocational Rehabilitation/Disability Determination Services | 98                    |
| Division of Employment and Training                         | 75                    |
| <b>TOTALS</b>   | <b>353</b>            |

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## **Responsibilities for Implementation**

### **RESPONSIBILITIES STATEMENT**

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The Secretary of the Department of Labor oversees the implementation of the Department's Affirmative Action Plan to ensure that it is implemented promptly and effectively. The HR Administrator, Tristan Press 302-761-8014, [tristan.press@delaware.gov](mailto:tristan.press@delaware.gov), and HR Supervisor, Nicholas Oliver, implement the Affirmative Action Plan and ensures that managers comply with federal and state laws, regulations, and executive orders. The Affirmative Action Officer's duties and responsibilities include:

#### **Responsibilities of the EEO/AA Officer:**

1. To facilitate the implementation of the EEO/Affirmative Action Plan within the policies established by the Secretary and Division Directors.
2. To organize and implement monitoring activities associated with the Affirmative Action Plan.
3. To oversee the expeditious adjudication of discrimination complaints as required by the Department's Complaint Procedures.
4. To conduct statistical and personnel analyses.
5. To conduct monitoring activities of internal compliance programs.
6. To review changes in Federal and State Equal Employment Opportunity programs and make recommendations to the Secretary for necessary changes in Department operations.
7. To provide Equal Employment Opportunity sensitivity sessions for Department staff.
8. To report the progress of the Equal Employment Opportunity program to the Secretary annually. The report will focus on progress made and on recommending further action needed to achieve the Department's Affirmative Action Objectives. Emphasis is placed on action(s) that can reasonably be taken to remedy the under-utilization of minorities and females in the EEO Categories.
9. To coordinate Equal Employment Opportunity activities with the Department's HR Section.
10. To keep current with Equal Employment Opportunity laws, policies, and regulations. To be aware and sensitive to the Equal Employment Opportunity needs and be prepared to act accordingly.
11. To assist managers and supervisors in carrying out Department Equal Employment Opportunity.



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**Section III: FY22 Accomplishments: July 1, 2021, To June 30, 2022**

**STRATEGIC PRIORITY (SP-1)**

**Workplace Environment, Climate, and Culture**

Foster an equitable and inclusive environment that recognizes the value of diversity among all employees working on-site and remotely.

| <b>Strategic Priority</b> | <b>Objective</b>   | <b>Measures of Success/Key Results</b>   | <b>Responsible Group</b>                              | <b>Steps Taken</b>   | <b>Status</b>                      |
|---------------------------|--|--|---|--|------------------------------------|
| SP-1<br>Goal 1            | Respond to low staff morale, high turnover                                     | Continued monthly Town Hall meetings with Secretary Hubbard to engage with staff and get feedback. | Secretary Hubbard, Leadership and Communications team | Held on a monthly basis with a typical attendance of 200-250 employees       | Ongoing                            |
| SP-1<br>Goal 2            | Engage Division Leaders in being open to employee feedback and concerns.       | Encouraged Directors to hold similar meetings with their divisions for updates and feedback.       | Division Directors                                    | Division Directors are holding their own Town Hall Meetings and reporting up | Ongoing                            |
| SP-1<br>Goal 3            | Gain feedback directly from employees on the workplace environment and climate | Issued a DOL climate survey in June 2022   | Communications Team                                   | Secretary Hubbard will be meeting with Division Directors with the results   | See Section IV as this is ongoing. |

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**STRATEGIC PRIORITY (SP-2)**

**Management and Supervisory Effectiveness**

Increase management and supervisory capacity to lead, engage and motivate a diverse and inclusive workforce to yield rigorous workforce outcomes and attainment of the state's mission, vision, and value proposition.

| <b>Strategic Priority</b> | <b>Objective</b>  | <b>Measures of Success/Key Results</b>   | <b>Responsible Group</b>           | <b>Steps Taken</b>  | <b>Status</b>  |
|---------------------------|---|--|------------------------------------|---|--|
| SP-2<br>Goal 1            | Managers Supervisors not issuing timely performance plans, annual reviews, PIPs if needed.      | We did see an increase in this area; however, we would like to see 100% participation.                           | HR and Leadership in the Divisions | HR sent out reminders to Divisions with deadlines to receive reviews. HR held training on performance plans/reviews to assist managers with the process.                                      | HR is continuing to follow up on this and is hopeful for good figures for the 2022 reviews due January of 2023. Include and enforce language in management/supervisory performance plans that requires all staff to have performance plans and reviews in place to obtain a meets expectations rating. |
| SP-2<br>Goal 2            | Assist managers in dealing with difficult areas related to HR.                                  | We had great participation in the training and have uploaded them to the Extranet for others to watch on demand. | HR Team                            | We created a training series on HR topics geared toward supervisors. Topics included Dress Code, Dual Incumbency, Retirements, Resignations, Processive Discipline, Performance plan/reviews. | This series is ongoing as we have several more scheduled this calendar year.   |
| SP-2<br>Goal 3            | The second cohort of managers complete the Leadership Training from the University of Delaware. | This cohort saw 20 graduates.  | Participants and Leadership        | Evaluating ongoing leadership training opportunities and determine whether we continue training in this format.   | Reviewing the effectiveness of the program to see if we will continue with the next group or focus training in another area.   |

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**STRATEGIC PRIORITY (SP-3)**

**Recruitment and Retention**

| <b>Strategic Priority</b> | <b>Objective</b>  | <b>Measures of Success/Key Results</b>               | <b>Responsible Group</b> | <b>Steps Taken</b>  | <b>Status</b>   |
|---------------------------|---|--|--------------------------|---|---|
| SP-3<br>Goal 1            | Make DOL employment more attractive to recruit candidates in hard-to-fill positions | Reduced turnover,<br>Reduced time to fill vacancies. | HR and hiring managers   | Worked with hiring managers to decrease lag time between cert lists and time to hire. Reclassified LLEO's to include a level III. Encouraged reclass and advanced salary requests when possible. Shared hard-to-fill job postings on job boards. Added telecommuting options to the postings. | Ongoing. Continue to look at reclassifications, workplace flexibilities, staff morale, recruitment improvements, etc. |

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**SECTION IV: WORKFORCE ANALYSIS**

**DOL Workforce Analysis Overview:**

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The Department of Labor (DOL) is underrepresented for minorities in three EEO-4 categories. DOL has 353 employees and minorities represent 50% of the DOL workforce. Based on the 2022 DOL Score Card issued by DHR, DOL also has an older worker population compared to other state agencies. DOL is well represented overall but still has the opportunity to increase our male workforce in particular areas and increase the level of engagement with those beginning their careers. In FY21, 37% of applicants were under the age of 30.

Below are observable trends that affect DOL's opportunity to increase diversity in their workforce:

- Pay is the biggest barrier to attracting both male and young workers. Looking at the exits survey results, Compensation was the category that scores the lowest.
- DOL currently does not have regular intern programs, but this is something we are addressing (see section IV).
- Not all but many of the DOL positions are in human services, which is typically a women-dominated career/industry choice.
- Location of our "headquarters" is in Wilmington and north Wilmington which many do not want to commute to and pay city wage tax on a low-wage job without the amenities of the city. DOL is very active in hosting and engaging in job fairs and recruiting events both for their own workforce and in accordance with their mission to connect people to jobs, resources, etc.
- DOL is actively pursuing paid co-op opportunities and college students. We plan to launch our first cohort this fall.
- The department utilizes older technology, training can be difficult and opportunities to telework can be limited.
- DOL was the first agency to pilot DHR's new program designed to provide opportunities for disabled individuals to obtain work experience that would assist them in meeting minimum qualifications. Our first candidate was a success. We plan to continue to leverage this program for our staffing needs.

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## **DOL Demographics at a Glance:**

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The total number of DOL employees as of June 30, 2022, by EEO-4 category is 353.

The DOL EEO-4 workforce demographic data reflect the race/ethnicity and gender representation of the DOL workforce based on the total number of employees within the eight EEO-4. Analyses are made comparing DOL workforce demographics to the available Delaware regional labor market statistics by race/ethnicity, and gender.

The following summary of findings were derived from this data:

### **Minority Representation:**

- Minorities represent 50% of the total DOL workforce, a 1% increase from FY21.
- Minorities are under-represented in the following EEO-4 categories:
  - Technicians (-23%)
  - Skilled Craft (-26%)

### **Female Representation:**

- Females represent 72% of the total DOL workforce, a 1% increase from FY21.
- Females are under-represented in the following EEO-4 categories:
  - Technicians (-7%)
  - Skilled Craft (-6%)

### **Male Representation:**

- Males represent 28% of the DOL workforce, a 1% decrease from FY21.
- Males are under-represented in the following EEO-4 categories:
  - Officials & Administrators (-14%)
  - Professionals (-13%)
  - Protective Services (-6%)
  - Paraprofessional (-16%)
  - Office & Clerical (-21%)

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**EEO-4 Status Report FY 2022**  
**(Without Casual/Seasonal)**

**Table 1**

| EEO-4 CATEGORY               | MALE  |       |                     |       |                     |                    |                 |                |                           |                   | FEMALE |       |                     |       |                     |                    |                 |                  |                           |                     | TOTALS                            |                                    |                              |
|------------------------------|-------|-------|---------------------|-------|---------------------|--------------------|-----------------|----------------|---------------------------|-------------------|--------|-------|---------------------|-------|---------------------|--------------------|-----------------|------------------|---------------------------|---------------------|-----------------------------------|------------------------------------|------------------------------|
|                              | White | Black | Hispanic/<br>Latino | Asian | Pacific<br>Islander | American<br>Indian | Multi<br>Racial | Total<br>Males | % of<br>Category<br>Total | Disabled<br>Males | White  | Black | Hispanic/<br>Latino | Asian | Pacific<br>Islander | American<br>Indian | Multi<br>Racial | Total<br>Females | % of<br>Category<br>Total | Disabled<br>Females | Total<br>Employees by<br>Category | Total<br>Minorities by<br>Category | Minority<br>% of<br>Category |
| 1 Officials & Administrators | 8     | 7     | 2                   | 0     | 0                   | 0                  | 1               | 18             | 41%                       | 1                 | 12     | 12    | 1                   | 1     | 0                   | 0                  | 0               | 26               | 59%                       | 3                   | 44                                | 24                                 | 55%                          |
| 2 Professionals              | 42    | 16    | 2                   | 1     | 0                   | 0                  | 0               | 61             | 29%                       | 5                 | 74     | 53    | 13                  | 9     | 0                   | 1                  | 3               | 153              | 71%                       | 6                   | 214                               | 98                                 | 46%                          |
| 3 Technicians                | 3     | 1     | 0                   | 0     | 0                   | 0                  | 0               | 4              | 57%                       | 2                 | 3      | 0     | 0                   | 0     | 0                   | 0                  | 0               | 3                | 43%                       | 0                   | 7                                 | 1                                  | 14%                          |
| 4 Protective Services        | 3     | 3     | 0                   | 0     | 0                   | 0                  | 0               | 6              | 75%                       | 0                 | 0      | 2     | 0                   | 0     | 0                   | 0                  | 0               | 2                | 25%                       | 0                   | 8                                 | 5                                  | 63%                          |
| 5 Para Professional          | 0     | 0     | 0                   | 0     | 0                   | 0                  | 1               | 1              | 8%                        | 1                 | 4      | 7     | 0                   | 0     | 0                   | 0                  | 1               | 12               | 92%                       | 2                   | 13                                | 9                                  | 69%                          |
| 6 Office & Clerical          | 6     | 3     | 0                   | 0     | 0                   | 0                  | 0               | 9              | 14%                       | 0                 | 20     | 30    | 3                   | 3     | 0                   | 0                  | 1               | 57               | 86%                       | 4                   | 66                                | 40                                 | 61%                          |
| 7 Skilled Craft              | 1     | 0     | 0                   | 0     | 0                   | 0                  | 0               | 1              | 100%                      | 0                 | 0      | 0     | 0                   | 0     | 0                   | 0                  | 0               | 0                | 0.00%                     | 0                   | 1                                 | 0                                  | 0%                           |
| 8 Service Maintenance        | 0     | 0     | 0                   | 0     | 0                   | 0                  | 0               | 0              | 0%                        | 0                 | 0      | 0     | 0                   | 0     | 0                   | 0                  | 0               | 0                | 0.00%                     | 0                   | 0                                 | 0                                  | 0.00%                        |
| Totals                       | 63    | 30    | 4                   | 1     | 0                   | 0                  | 2               | 100            | 28%                       | 9                 | 113    | 104   | 17                  | 13    | 0                   | 1                  | 5               | 253              | 72%                       | 15                  | 353                               | 177                                | 50%                          |

**Table 1** illustrates the total FY 22 workforce demographics by race/ethnicity and gender. This is an overview of the entire EEO-4 Workforce by EEO-4 job category.

*Table 1 data were obtained from the PHRST system as of 06/30/2022.*

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**Minority Labor Market Representation FY2022**  
**(Including Race and Ethnicity)**

**Table 2**

| EEO-4 CATEGORY               | Labor Market % | Minority % of Category | Minority Variance to Labor Market | Comparison to Minority % of Category |                 |       |                  |                 |              |
|------------------------------|----------------|------------------------|-----------------------------------|--------------------------------------|-----------------|-------|------------------|-----------------|--------------|
|                              |                |                        |                                   | Black                                | Hispanic/Latino | Asian | Pacific Islander | American Indian | Multi Racial |
| 1 Officials & Administrators | 25%            | 55%                    | 30%                               | 43%                                  | 7%              | 2%    | 0%               | 0%              | 2%           |
| 2 Professionals              | 29%            | 46%                    | 17%                               | 32%                                  | 7%              | 5%    | 0%               | 0%              | 1%           |
| 3 Technicians                | 38%            | 14%                    | -23%                              | 14%                                  | 0%              | 0%    | 0%               | 0%              | 0%           |
| 4 Protective Services        | 37%            | 63%                    | 26%                               | 63%                                  | 0%              | 0%    | 0%               | 0%              | 0%           |
| 5 Para Professional          | 34%            | 69%                    | 36%                               | 54%                                  | 0%              | 0%    | 0%               | 0%              | 15%          |
| 6 Office & Clerical          | 31%            | 61%                    | 30%                               | 50%                                  | 5%              | 5%    | 0%               | 0%              | 2%           |
| 7 Skilled Craft              | 26%            | 0%                     | -26%                              | 0%                                   | 0%              | 0%    | 0%               | 0%              | 0%           |
| 8 Service Maintenance        | 45%            | 0%                     | NA                                | 0%                                   | 0%              | 0%    | 0%               | 0%              | 0%           |

**Female Labor Market Representation FY2022**  
**(Including Race and Ethnicity)**

**Table 3**

| EEO-4 CATEGORY               | Labor Market % | Female % of Category | Female Variance to Labor Market | Comparison to Minority % of Category |       |                 |       |                  |                 |              |
|------------------------------|----------------|----------------------|---------------------------------|--------------------------------------|-------|-----------------|-------|------------------|-----------------|--------------|
|                              |                |                      |                                 | White                                | Black | Hispanic/Latino | Asian | Pacific Islander | American Indian | Multi Racial |
| 1 Officials & Administrators | 45%            | 59%                  | 14%                             | 27%                                  | 27%   | 2%              | 2%    | 0%               | 0%              | 0%           |
| 2 Professionals              | 59%            | 71%                  | 13%                             | 35%                                  | 25%   | 6%              | 4%    | 0%               | 0%              | 1%           |
| 3 Technicians                | 50%            | 43%                  | -7%                             | 43%                                  | 0%    | 0%              | 0%    | 0%               | 0%              | 0%           |
| 4 Protective Services        | 19%            | 25%                  | 6%                              | 0%                                   | 25%   | 0%              | 0%    | 0%               | 0%              | 0%           |
| 5 Para Professional          | 77%            | 92%                  | 16%                             | 31%                                  | 54%   | 0%              | 0%    | 0%               | 0%              | 8%           |
| 6 Office & Clerical          | 65%            | 86%                  | 21%                             | 30%                                  | 45%   | 5%              | 5%    | 0%               | 0%              | 2%           |
| 7 Skilled Craft              | 6%             | 0%                   | -6%                             | 0%                                   | 0%    | 0%              | 0%    | 0%               | 0%              | 0%           |
| 8 Service Maintenance        | 44%            | 0%                   | NA                              | 0%                                   | 0%    | 0%              | 0%    | 0%               | 0%              | 0%           |

**Male Labor Market Representation FY2022**  
**(Including Race and Ethnicity)**

**Table 4**

| EEO-4 CATEGORY               | Labor Market % | Male % of Category | Male Variance to Labor Market | Comparison to Minority % of Category |       |                 |       |                  |                 |              |
|------------------------------|----------------|--------------------|-------------------------------|--------------------------------------|-------|-----------------|-------|------------------|-----------------|--------------|
|                              |                |                    |                               | White                                | Black | Hispanic/Latino | Asian | Pacific Islander | American Indian | Multi Racial |
| 1 Officials & Administrators | 55%            | 41%                | -14%                          | 18%                                  | 16%   | 5%              | 0%    | 0%               | 0%              | 2%           |
| 2 Professionals              | 41%            | 29%                | -13%                          | 20%                                  | 7%    | 1%              | 0%    | 0%               | 0%              | 0%           |
| 3 Technicians                | 50%            | 57%                | 7%                            | 43%                                  | 14%   | 0%              | 0%    | 0%               | 0%              | 0%           |
| 4 Protective Services        | 81%            | 75%                | -6%                           | 38%                                  | 38%   | 0%              | 0%    | 0%               | 0%              | 0%           |
| 5 Para Professional          | 23%            | 8%                 | -16%                          | 0%                                   | 0%    | 0%              | 0%    | 0%               | 0%              | 8%           |
| 6 Office & Clerical          | 35%            | 14%                | -21%                          | 9%                                   | 5%    | 0%              | 0%    | 0%               | 0%              | 0%           |
| 7 Skilled Craft              | 94%            | 100%               | 6%                            | 100%                                 | 0%    | 0%              | 0%    | 0%               | 0%              | 0%           |
| 8 Service Maintenance        | 56%            | 0%                 | NA                            | 0%                                   | 0%    | 0%              | 0%    | 0%               | 0%              | 0%           |

**Tables 2, 3, and 4** illustrate the variance between the Regional Labor Market and [AGENCY] demographics. Also illustrated is a percentage breakdown of demographic representation by race/ethnicity, gender, and EEO-4 job category.

*Tables 2, 3, and 4 data were obtained from the PHRST system as of 06/30/2022.*

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**Minority Representation Trends FY20, 21, 22**

**Table 5**

| EEO-4 CATEGORY               | FY20<br>Minority Variance of<br>Labor Market | FY21<br>Minority Variance of<br>Labor Market | FY22<br>Minority Variance of<br>Labor Market |
|------------------------------|--|--|--|
| 1 Officials & Administrators | 76%  | 29%  | 30%  |
| 2 Professionals              | 65%  | 17%  | 17%  |
| 3 Technicians                | 2%   | -4%  | -23%   |
| 4 Protective Services        | 37%  | 26%  | 26%  |
| 5 Paraprofessional           | 39%  | 31%  | 36%  |
| 6 Office & Clerical          | 58%  | 24%  | 30%  |
| 7 Skilled Craft              | NA   | -26%   | -26%   |
| 8 Service Maintenance        | NA   | -45%   | 0%   |

**Female Representation Trends FY20, 21, 22**

**Table 6**

| EEO-4 CATEGORY               | FY20<br>Female Variance of Labor<br>Market | FY21<br>Female Variance of Labor<br>Market | FY22<br>Female Variance of Labor<br>Market |
|------------------------------|--|--|--|
| 1 Officials & Administrators | 22%  | 21%  | 14%  |
| 2 Professionals              | 14%  | 11%  | 13%  |
| 3 Technicians                | -21%                                       | -17%                                       | -7%  |
| 4 Protective Services        | 23%  | 18%  | 6%   |
| 5 Paraprofessional           | 9%   | 16%  | 16%  |
| 6 Office & Clerical          | 24%  | 20%  | 21%  |
| 7 Skilled Craft              | -4%  | -6%  | -6%  |
| 8 Service Maintenance        | -45%                                       | -44%                                       | 0%   |

**Male Representation Trends FY20, 21, 22**

**Table 7**

| EEO-4 CATEGORY               | FY20<br>Male Variance of Labor<br>Market | FY21<br>Male Variance of Labor<br>Market | FY22<br>Male Variance of Labor<br>Market |
|------------------------------|--|--|--|
| 1 Officials & Administrators | -22%                                     | -21%                                     | -14%                                     |
| 2 Professionals              | -14%                                     | -11%                                     | -13%                                     |
| 3 Technicians                | 21%                                      | 17%                                      | 7%                                       |
| 4 Protective Services        | -23%                                     | -18%                                     | -6%                                      |
| 5 Paraprofessional           | -9%                                      | -16%                                     | -16%                                     |
| 6 Office & Clerical          | -24%                                     | -20%                                     | -21%                                     |
| 7 Skilled Craft              | 4%                                       | 6%                                       | 6%                                       |
| 8 Service Maintenance        | 45%                                      | 44%                                      | 0%                                       |

**Tables 5, 6, and 7** illustrate trends for the past three fiscal years by comparing the variance between the Regional Labor Market and Executive Branch demographics for minorities, females, and male employees by EEO-4 job category.

*Tables 5, 6, and 7 data were obtained from the PHRST system as of 06/30/2022*



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**SECTION V: COMPLAINTS**

Table 8

| Total Complaints by Gender<br>As of 06/30/2022            |   | Total Complaints by Type<br>As of 06/30/2022           |   |
|---|---|--|---|
| Male  | 1 | ADA  | 2 |
| Woman   | 7 | Discrimination   | 4 |
| Other   | 0 | Gender   | 0 |
| Total   | 8 | Generic Issue  | 0 |
| Total Complaints by Race/Ethnicity<br>As of 06/30/2022    |   | Harassment   | 0 |
| Black - African American                                  | 0 | Hostile Work Environment                               | 1 |
| Asian   | 0 | Merit Rule   | 0 |
| Hispanic/Latinx   | 0 | Misconduct   | 0 |
| Native American/Alaskan Native                            | 0 | Retaliation  | 0 |
| Not identified  | 0 | Sexual Harassment                                      | 1 |
| Pacific Islander/Native Hawaiian                          | 0 | Workplace Violence                                     | 0 |
| Two or more races   | 0 | Total  | 8 |
| White   | 8 | Total Complaints by Current Status<br>As of 06/30/2022 |   |
| Total   | 8 | Open   | 2 |
| Total Complaints by Employment Status<br>As of 06/30/2022 |   | Closed   | 5 |
| Merit   | 7 | Total  | 7 |
| Non-Merit Exempt  | 0 | Total Complaints by Resolution<br>As of 06/30/2022     |   |
| Casual/Seasonal   | 0 | To be Determined                                       | 5 |
| Temp/Contract   | 1 | Substantiated  | 0 |
| Total   | 8 | Unsubstantiated  | 3 |
| Total Complaints by Category<br>As of 06/30/2022          |   | Total  | 8 |
| Informal  | 3 |  |   |
| Formal  | 3 |  |   |
| External  | 2 |  |   |
| Total   | 8 |  |   |

**Table 8** illustrates total complaints by gender, race/ethnicity, employment status, category, type, status, and resolution.

Table 8 data were obtained from agency internal records during FY22.

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**SECTION VI: EMPLOYEE ACTIONS**

**Table 9**

| TYPE                                  | 2021  |         | 2022  |         | PERCENT<br>CHANGE |
|---------------------------------------|-------|---------|-------|---------|-------------------|
|                                       | Total | Percent | Total | Percent |                   |
| DISCIPLINES                           |       |         |       |         |                   |
| Total Female Non-Minority Disciplines | 8     | 89%     | 13    | 57%     | 63%               |
| Total Female Minority Disciplines     | 0     | 0%      | 4     | 17%     | 100%              |
| Total Male Non-Minority Disciplines   | 0     | 0%      | 5     | 22%     | 0%                |
| Total Male Minority Disciplines       | 1     | 11%     | 1     | 4%      | 0%                |
| Total Disciplines                     | 9     | 100%    | 23    | 100%    | 61%               |
| SEPARATIONS                           |       |         |       |         |                   |
| Total Female Non-Minority Separations | 12    | 34%     | 17    | 28%     | 29%               |
| Total Female Minority Separations     | 13    | 37%     | 24    | 39%     | 46%               |
| Total Male Non-Minority Separations   | 5     | 14%     | 10    | 16%     | 50%               |
| Total Male Minority Separations       | 5     | 14%     | 10    | 16%     | 50%               |
| Total Separations                     | 35    | 100%    | 61    | 100%    | 43%               |
| NEW HIRES                             |       |         |       |         |                   |
| Total Female Non-Minority New Hires   | 9     | 15%     | 28    | 28%     | 68%               |
| Total Female Minority New Hires       | 27    | 44%     | 43    | 43%     | 37%               |
| Total Male Non-Minority New Hires     | 20    | 33%     | 14    | 14%     | -30%              |
| Total Male Minority New Hires         | 5     | 8%      | 15    | 15%     | 67%               |
| Total New Hires                       | 61    | 100%    | 100   | 100%    | 39%               |
| PROMOTIONS                            |       |         |       |         |                   |
| Total Female Non-Minority Promotions  | 13    | 28%     | 7     | 21%     | -86%              |
| Total Female Minority Promotions      | 18    | 38%     | 13    | 38%     | -28%              |
| Total Male Non-Minority Promotions    | 10    | 21%     | 9     | 26%     | -11%              |
| Total Male Minority New Hires         | 6     | 13%     | 5     | 15%     | -17%              |
| Total Promotions                      | 47    | 100%    | 34    | 100%    | -28%              |

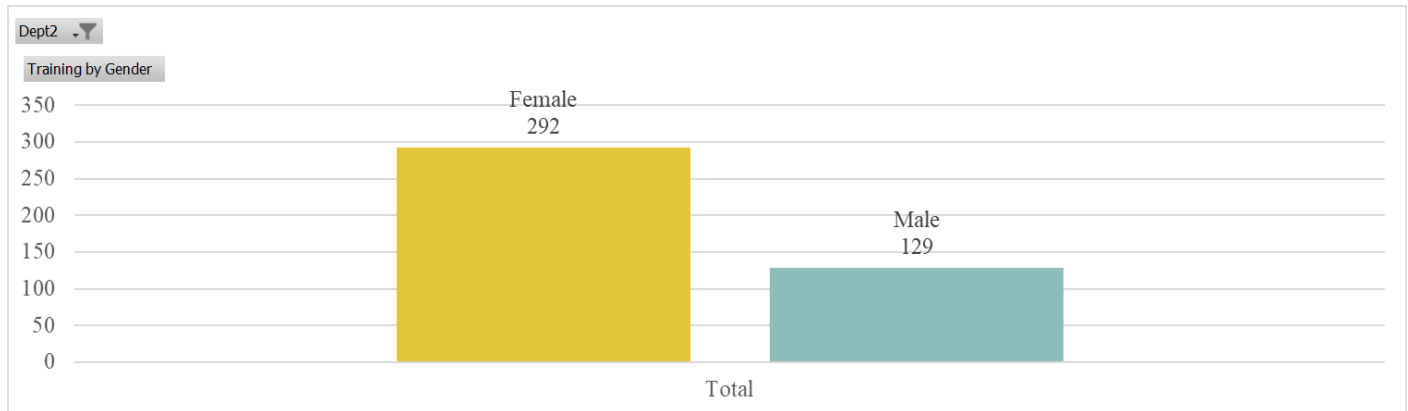
**Table 9** displays the total number of disciplines, separations, new hires, and promotions by gender and minority status.

*Table 9 data were obtained from the PHRST system as of 06/30/2022.*

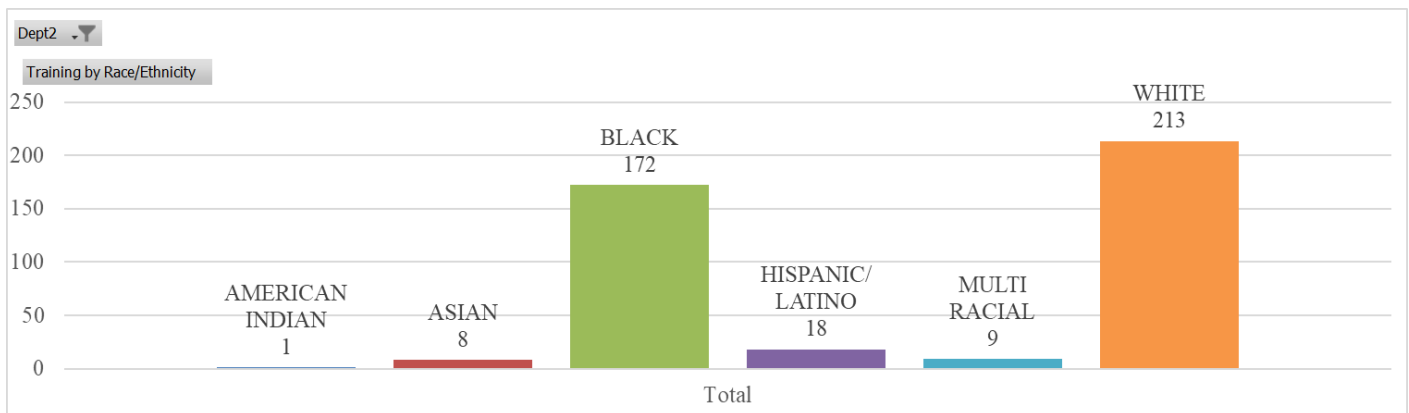
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**SECTION VII: EMPLOYEE ENGAGEMENT**

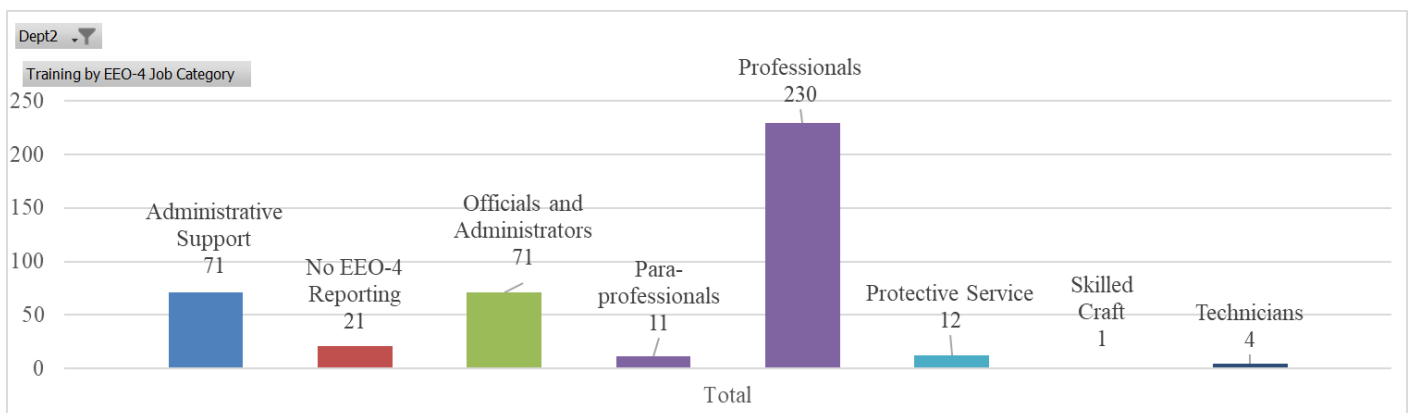
**Figure 10 Training by Gender**



**Figure 11 Training by Race/Ethnicity**



**Figure 12 Training by EEO-4 Job Category**



**Figures 10-12** display the total number of attendees for D&I-related training courses by gender, race/ethnicity, and EEO-4 Job Category

*Figures 10-12 data were obtained from the Delaware Learning Center (DLC) system as of 06/30/2022.*

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**Table 13**

| TUITION REIMBURSEMENT SUMMARY                           |  |
|---|--|
| DOL did not have a Tuition Reimbursment Program in FY22 |  |

**Table 13** displays the total number of employees receiving tuition reimbursement by gender and minority status.

*Table 13 data were obtained from agency internal records during FY22.*

**Table 14**

| DISABILITIES SUMMARY                                  |        |
|---|--------|
|   | Number |
| Total Employees Self-Identified or Disclosed Disabled | 24     |
| Total Requests for Accommodations                     | 6      |
| Total Requests Accomodated                            | 6      |
| Total Selective Placement Candidates Interviewed      | 0      |
| Total Selective Placement Candidates Hired            | 0      |

**Table 14** displays the total number of employees who requested accommodations, the total number of accepted accommodations, the total number of employees who self-identified or disclosed as disabled, the total amount of candidates interviewed via the Selective Placement Program, and the total number of employees hired either via the Selective Placement Program.

*Table 14 data were obtained from the PHRST system as of 06/30/2022.*

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**Table 15**

| EXIT SURVEY SUMMARY  |          |      |         |       |      |       |
|--|----------|------|---------|-------|------|-------|
|  | EXCELLEN | GOOD | AVERAGE | BELOW | POOR | TOTAL |
| Agency as a place to work  | 21%      | 43%  | 21%     | 7%    | 7%   | 100%  |
|  | 3        | 6    | 3       | 1     | 1    | 14    |
| Opportunity for advancement or promotion                                       | 7%       | 21%  | 36%     | 7%    | 29%  | 100%  |
|  | 1        | 3    | 5       | 1     | 4    | 14    |
| Recognition of accomplishments/contributions                                   | 14%      | 29%  | 21%     | 14%   | 21%  | 100%  |
|  | 2        | 4    | 3       | 2     | 3    | 14    |
| Relationships with co-workers  | 64%      | 29%  | 7%      | 0%    | 0%   | 100%  |
|  | 9        | 4    | 1       | 0     | 0    | 14    |
| Relationship with your manager/supervisor                                      | 64%      | 14%  | 7%      | 7%    | 7%   | 100%  |
|  | 9        | 2    | 1       | 1     | 1    | 14    |
| Agency commitment to quality and customer service                              | 43%      | 21%  | 14%     | 14%   | 7%   | 100%  |
|  | 6        | 3    | 2       | 2     | 1    | 14    |
| Work area tools available to perform the functions of your job                 | 36%      | 29%  | 29%     | 0%    | 7%   | 100%  |
|  | 5        | 4    | 4       | 0     | 1    | 14    |
| Performance goals were clear and you knew what was expected of you in your job | 36%      | 43%  | 0%      | 21%   | 0%   | 100%  |
|  | 5        | 6    | 0       | 3     | 0    | 14    |
| Training and development needs were assessed and met                           | 36%      | 29%  | 21%     | 14%   | 0%   | 100%  |
|  | 5        | 4    | 3       | 2     | 0    | 14    |
| Benefits package   | 36%      | 29%  | 21%     | 14%   | 0%   | 100%  |
|  | 5        | 4    | 3       | 2     | 0    | 14    |
| Compensation   | 7%       | 14%  | 14%     | 29%   | 36%  | 100%  |
|  | 1        | 2    | 2       | 4     | 5    | 14    |
| Family-Friendly Workplace  | 36%      | 14%  | 36%     | 0%    | 14%  | 100%  |
|  | 5        | 2    | 5       | 0     | 2    | 14    |

**Table 15** illustrates Exit Survey Summary data for employees who left the Department and were willing to provide responses.

*Table 15 data were obtained from the employee responses provided on an online survey during FY22.*

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**SECTION XIII: RECRUITMENT AND RETENTION SUMMARY FY22 (JULY 1, 2022 – JUNE 30, 2023)**

**Table 16**

| HARD-TO-FILL VACANCIES       |                              |          |  |                      |                       |                       |                          |
|------------------------------|------------------------------|----------|--|----------------------|-----------------------|-----------------------|--------------------------|
| Vacancies<br>(as of 6/30/21) | Vacancies<br>(as of 6/30/22) | Job Code | Job Title                              | Total #<br>Positions | Vacancy Rate<br>FY 21 | Vacancy Rate<br>FY 22 | % change<br>FY22 vs FY21 |
| 0                            | 11                           | Mddb01   | Employment Services Specialist I       | 18                   | 0%                    | 61%                   | 100%                     |
| 4                            | 0                            | Mdaz06   | Industrial Hygienist (DOL - NCC only)  | 2                    | 200%                  | 0%                    | -100%                    |
| 1                            | 2                            | Mddf01   | Labor Law Enforcement Officer I        | 3                    | 33%                   | 67%                   | 50%                      |
| 0                            | 0                            | Mddf02   | Labor Law Enforcement Officer II       | 28                   | 0%                    | 0%                    | 0%                       |
| 15                           | 16                           | Mdds01   | Disability Determination Adjudicator I | 22                   | 68%                   | 73%                   | 6%                       |
| 0                            | 0                            | Mddu01   | Vocational Rehabilitation Counselor I  | 5                    | 0%                    | 0%                    | 0%                       |
| 13                           | 15                           | Mddz66   | UI Claims Processor                    | 23                   | 57%                   | 65%                   | 13%                      |
| 0                            | 0                            | Mddz67   | UI Claims Interviewer                  | 3                    | 0%                    | 0%                    | 0%                       |
| 0                            | 0                            | Mfda01   | Labor Market Analyst                   | 2                    | 0%                    | 0%                    | 0%                       |

**Table 17**

| HARD-TO-FILL APPLICANT PIPELINE |  |                           |                         |                           |                          |                            |
|---------------------------------|--|---------------------------|-------------------------|---------------------------|--------------------------|----------------------------|
| Job Code                        | Job Title                              | # Times Posted<br>in FY22 | Total # Aps<br>Received | Average # Aps<br>Received | Total # Aps<br>Qualified | Average # Aps<br>Qualified |
| Mddb01                          | Employment Services Specialist I       | 8                         | 106                     | 13                        | 57                       | 7                          |
| Mdaz06                          | Industrial Hygienist (DOL - NCC only)  | N/A                       |                         |                           |                          |                            |
| Mddf01                          | Labor Law Enforcement Officer I        | 2                         | 15                      | 8                         | 12                       | 6                          |
| Mddf02                          | Labor Law Enforcement Officer II       | 1                         | 12                      | 12                        | 7                        | 7                          |
| Mdds01                          | Disability Determination Adjudicator I | 1                         | 87                      | 87                        | 23                       | 23                         |
| Mddu01                          | Vocational Rehabilitation Counselor I  | 3                         | 21                      | 7                         | 13                       | 4                          |
| Mddz66                          | UI Claims Processor                    | 3                         | 76                      | 25                        | 59                       | 20                         |
| Mddz67                          | UI Claims Interviewer                  | 1                         | 25                      | 25                        | 15                       | 15                         |
| Mfda01                          | Labor Market Analyst                   | N/A                       |                         |                           |                          |                            |

**Tables 16 and 17** display hard-to-fill vacancies by job classification, along with the applicant pipeline statistics for those hard-to-fill classifications including the number of times the position was posted, the average number of applications received per posting, and the average number of applicants deemed to meet the minimum qualifications (MMQ) for the position.

*Table 16 data were obtained from the PHRST system as of 06/30/2022.*

*Table 17 data were obtained from the Delaware Employment Link (JobAps) recruitment system as of 06/30/2022.*

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**Table 18**

| Turnover by Division |                              |                       |                       |                          |
|----------------------|------------------------------|-----------------------|-----------------------|--------------------------|
| Dept ID              | Division                     | Turnover Rate<br>FY21 | Turnover Rate<br>FY22 | % Change<br>FY22 vs FY21 |
| 600110100            | DOL/Admin/Off of the Secret  | 0%                    | 0%                    | 0%                       |
| 600120200            | DOL/Admin/Occ & Labr Markt   | 0%                    | 13%                   | 13%                      |
| 600140400            | DOL/Admin/Administrtrve Supp | 4%                    | 30%                   | 26%                      |
| 600601100            | DOL/Unemployment Insurance   | 14%                   | 24%                   | 10%                      |
| 600701100            | DOL/Indus Aff/WrksComp Saf   | 10%                   | 3%                    | -7%                      |
| 600702100            | DOL/Indus Aff/Labor Law Enf  | 0%                    | 10%                   | 10%                      |
| 600703100            | DOL/InduAff/OSHA/Labor Stat  | 14%                   | 0%                    | -14%                     |
| 600704100            | DOL/InduAff/AntiDiscriminat  | 24%                   | 10%                   | -14%                     |
| 600810100            | DOL/VR/Voc Rehab Svs         | 3%                    | 11%                   | 8%                       |
| 600820100            | DOL/VR/DisabiltyDeterminntn  | 34%                   | 9%                    | -25%                     |
| 600920100            | DOL/ET/Employmnt & Traing S  | 50%                   | 0%                    | -50%                     |
| 600920400            | DOL/ET/Employmnt & Traing S  | 7%                    | 26%                   | 19%                      |
| Department Average   |                              | 13%                   | 11%                   | -2%                      |

**Table 19**

| Turnover by Hard-to-Fill Jobs |  |                       |                       |                          |
|-------------------------------|--|-----------------------|-----------------------|--------------------------|
| Job Code                      | Job Title                              | Turnover Rate<br>FY21 | Turnover Rate<br>FY22 | % Change<br>FY22 vs FY21 |
| MDAZ06                        | Industrial Hygienist                   | 0%                    | 0%                    | 0%                       |
| Mddb01                        | Employment Services Specialist I       | 25%                   | 0%                    | -25%                     |
| Mddf01                        | Labor Law Enforcement Officer I        | 0%                    | 0%                    | 0%                       |
| Mddf02                        | Labor Law Enforcement Officer II       | 9%                    | 4%                    | -5%                      |
| Mdds01                        | Disability Determination Adjudicator I | 100%                  | 33%                   | -67%                     |
| Mddu01                        | Vocational Rehabilitation Counselor I  | 0%                    | 0%                    | 0%                       |
| Mddz66                        | UI Claims Processor                    | 10%                   | 33%                   | 23%                      |
| Mddz67                        | UI Claims Interviewer                  | 33%                   | 0%                    | -33%                     |
| Mfda01                        | Labor Market Analyst                   | 0%                    | 0%                    | 0%                       |

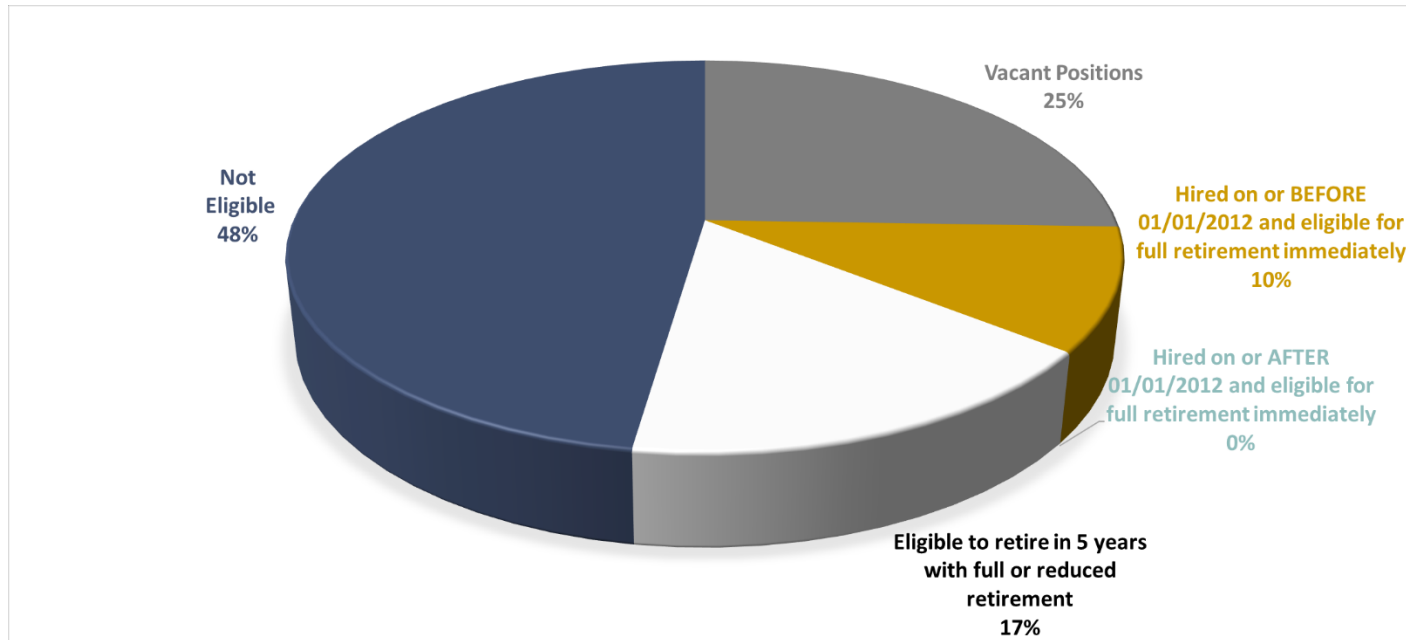
**Tables 18 and 19** display employee turnover rates by Division and Hard-to-Fill Job Classifications. Turnover is the difference between the number of new employees versus the number of employees who leave or transfer to another Department. Employees who transfer between Divisions within the same Department do not count.

*Tables 18 and 19 data were obtained from the PHRST system as of 06/30/2022.*

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**RETIREMENT ELIGIBILITY BREAKDOWN - FY22**

**Figure 20**



**Figure 20** illustrates the percentage of positions based on their retirement eligibility status.

*Figure 20 data were obtained from the PHRST system as of 06/30/2022.*

**Retirement Eligible Criteria:** \*\*

***Employees Initially hired prior to January 1, 2012***

1. Five (5) years pension credited service (must have five (5) consecutive) and has attained age 62; or,
2. Fifteen (15) years of pension credited service (must have five (5) consecutive) and has attained age 60; or,
3. Thirty (30) years of pension credited service (must have five (5) consecutive) regardless of age.

***Employees Initially hired on or after January 1, 2012***

1. Ten (10) years pension credited service (must have five (5) consecutive) and has attained age 65; or,
2. Twenty (20) years of pension credited service (must have five (5) consecutive) and has attained age 60; or
3. Thirty (30) years of pension credited service (must have five (5) consecutive) regardless of age

\*\*Source: State Employees' Pension Plan Retirement Overview, 29 Del. C. c. 55, as amended.



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**RETIREMENT ELIGIBILITY BY DIVISION as of 6/30/2022**

**Table 21**

| <b>Administration</b>                     |                  |                  |  |   |   |              |
|---|------------------|------------------|--|---|---|--------------|
| Total # Positions                         | Filled Positions | Vacant Positions | Hired on or BEFORE 01/01/2012 and eligible for full retirement immediately | Hired on or AFTER 01/01/2012 and eligible for full retirement immediately | Eligible to retire in 5 years with full or reduced retirement | Not Eligible |
| <b>46</b>                                 | <b>36</b>        | <b>10</b>        | <b>3</b>   | <b>0</b>  | <b>14</b>   | <b>19</b>    |
| <b>Employment Training Services</b>       |                  |                  |  |   |   |              |
| Total # Positions                         | Filled Positions | Vacant Positions | Hired on or BEFORE 01/01/2012 and eligible for full retirement immediately | Hired on or AFTER 01/01/2012 and eligible for full retirement immediately | Eligible to retire in 5 years with full or reduced retirement | Not Eligible |
| <b>94</b>                                 | <b>75</b>        | <b>19</b>        | <b>13</b>  | <b>0</b>  | <b>17</b>   | <b>45</b>    |
| <b>Industrial Affairs</b>                 |                  |                  |  |   |   |              |
| Total # Positions                         | Filled Positions | Vacant Positions | Hired on or BEFORE 01/01/2012 and eligible for full retirement immediately | Hired on or AFTER 01/01/2012 and eligible for full retirement immediately | Eligible to retire in 5 years with full or reduced retirement | Not Eligible |
| <b>79</b>                                 | <b>74</b>        | <b>5</b>         | <b>16</b>  | <b>0</b>  | <b>22</b>   | <b>36</b>    |
| <b>Vocational Rehabilitation Services</b> |                  |                  |  |   |   |              |
| Total # Positions                         | Filled Positions | Vacant Positions | Hired on or BEFORE 01/01/2012 and eligible for full retirement immediately | Hired on or AFTER 01/01/2012 and eligible for full retirement immediately | Eligible to retire in 5 years with full or reduced retirement | Not Eligible |
| <b>128</b>                                | <b>98</b>        | <b>30</b>        | <b>16</b>  | <b>0</b>  | <b>26</b>   | <b>56</b>    |
| <b>Unemployment Insurance</b>             |                  |                  |  |   |   |              |
| Total # Positions                         | Filled Positions | Vacant Positions | Hired on or BEFORE 01/01/2012 and eligible for full retirement immediately | Hired on or AFTER 01/01/2012 and eligible for full retirement immediately | Eligible to retire in 5 years with full or reduced retirement | Not Eligible |
| <b>127</b>                                | <b>70</b>        | <b>57</b>        | <b>0</b>   | <b>0</b>  | <b>0</b>  | <b>70</b>    |

**Table 21** illustrates the total number and percentage of positions by Division based on their retirement eligibility status.

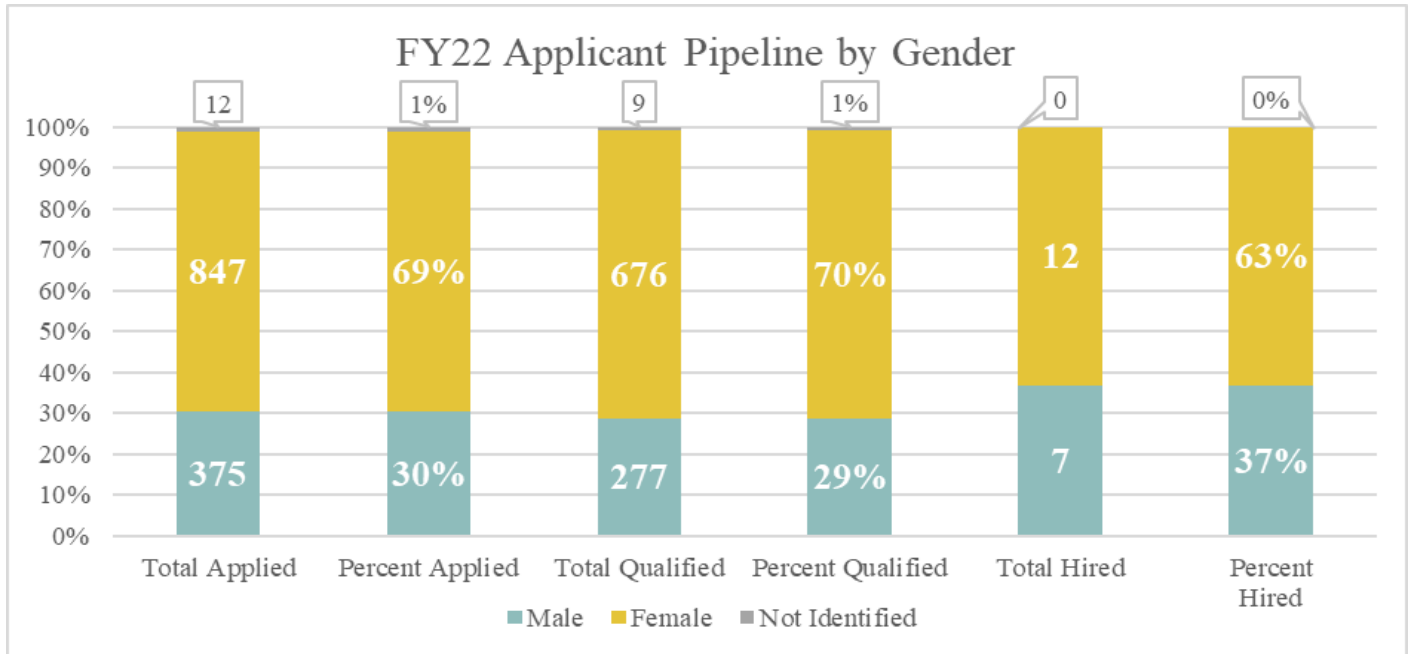
*Table 21 data were obtained from the PHRST system as of 06/30/2022.*

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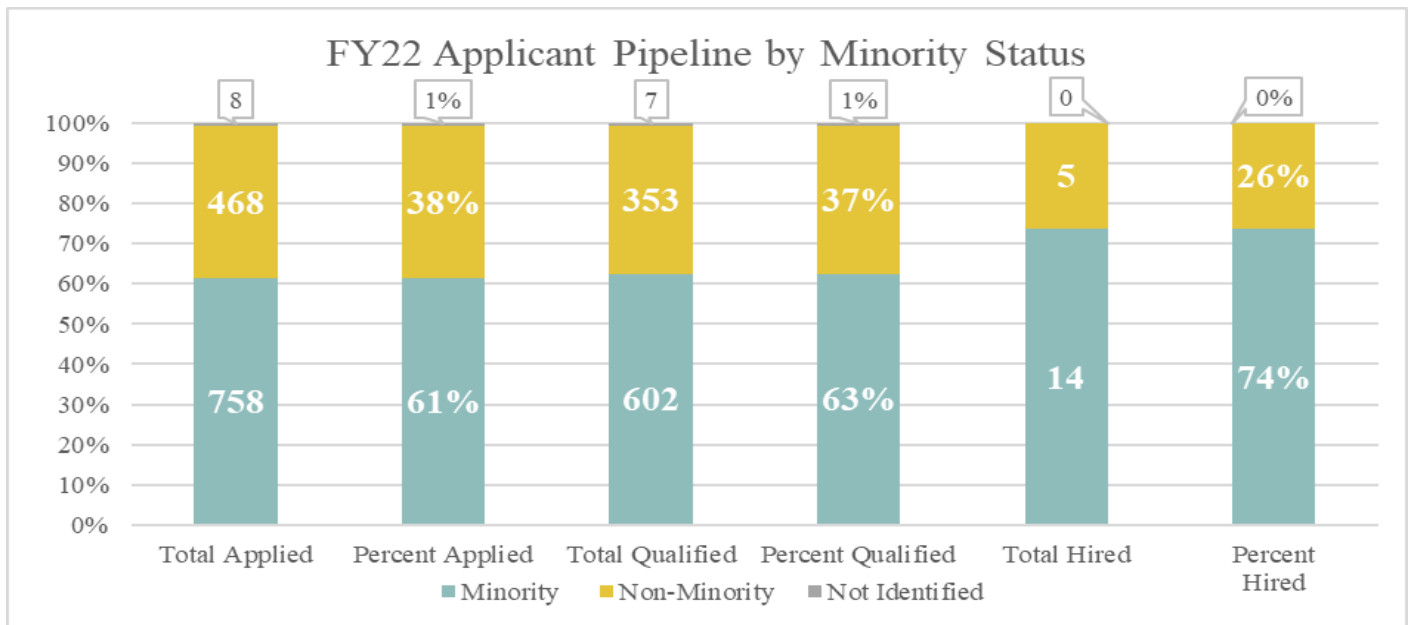
## Applicant Pipeline

In FY22, 659 people applied online to DOL jobs, a 31% decrease from FY21 in which 960 applied. This includes applicants for all jobs posted in the Delaware Employment Link (JobAps) Recruitment System including Casual/Seasonal Recruitments.

**Figure 22**



**Figure 23**



**Figures 22 and 23** illustrate the total applicants who applied to State of Delaware jobs on the state's primary hiring platform, The Delaware Employment Link at [statejobs.delaware.gov](https://statejobs.delaware.gov), by minority vs. non-minority and gender. Further illustrated are the total applicants who were found qualified and hired, also by minority vs. non-minority and gender.

*Figures 22 and 23 data were obtained from the Delaware Employment Link (JobAps) recruitment system as of 06/30/2022.*

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**Recruitment and Hiring Times**

**Table 24**

| Fiscal Year         | Average Time-to-Fill (days) | Average Time-to-Hire (days) |
|---------------------|-----------------------------|-----------------------------|
| FY21                | 87                          | 57                          |
| FY22                | 64                          | 48                          |
| Change FY21 vs FY22 | -23                         | -9                          |

**Table 25**

| Fiscal Year         | Average Time Req-to-Open (days) | Average Time Closing Date- to-Referral (days) |
|---------------------|---------------------------------|---|
| FY21                | 2                               | 14  |
| FY22                | 13                              | 4   |
| Change FY21 vs FY22 | 11                              | -10   |

**Table 24** illustrates the average time in calendar days it takes to hire for vacant jobs and *measures the hiring manager's effectiveness in making hires.*

- Time-to-Fill is measured by the number of calendar days from recruitment posting to a conditional offer for hire. The current metric is 40 calendar days.
- Time-to-Hire is measured by the number of calendar days from the time the referral list of qualified candidates is created for the hiring manager until a conditional offer for hire. The current metric is 15 calendar days.

**Table 25** illustrates the average time in calendar days it takes to post recruitments for vacant jobs and *measures HR's effectiveness in processing recruitments.*

- Average Time from Request-to-Open is measured by the number of calendar days it takes HR from the time they receive a request to fill a vacant position until they get the recruitment posted. The current metric is 2 calendar days.
- Average Time Closing Date-to-Referral is measured by the number of calendar days from the time recruitment closes until a referral list of qualified candidates is created for the hiring manager. The current metric is 5 calendar days.

*Tables 22 and 25 data were obtained from the Delaware Employment Link (JobAps) recruitment system as of 06/30/2022.*

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**SECTION IV: PLAN OF ACTION - FUTURE STEPS TO IMPLEMENT IN FY23 (JULY 1, 2022 – JUNE 30, 2023)**

**STRATEGIC PRIORITY (SP-1)**

**Workplace Environment, Climate, and Culture**

Foster an equitable and inclusive environment that recognizes the value of diversity among all employees working on-site and remotely\*.

*\* At least one objective under this Strategic Priority should describe how the agency plans to address gaps in retention, recruitment, and workforce underrepresentation via collaboration with DHR.*

| <b>Strategic Priority</b> | <b>Objective</b>  | <b>Measures of Success/Key Results</b>   | <b>Responsible Group</b>  | <b>Resources</b>  | <b>Target Date to Launch</b>   |
|---------------------------|---|--|---|---|--|
| SP-1<br>Goal 1            | Identify areas of improvement and action steps from DOL Climate Survey Results.             | The DOL Climate survey completed in June 2022 is a baseline and we can implement the same survey at an agreed-upon time in the future. | Leadership to include Secretary, Deputy Secretary, and Division Directors to identify action items and implement them. Meetings are scheduled in the next few months to review comments and plan. | This requires time from leadership as well as communications to support action items.   | Climate survey completed in June 2022. Meetings with Division Directors to begin a discussion on action plans are scheduled for October 2022. The action items are unknown at this time. |
| SP-1<br>Goal 2            | Increase positive workplace environment with new Employee Recognition Committee Leadership. | Funds raised in fundraising activities, and nominations for awards.  | Employee Recognition Committee  | Supported by Secretary, Deputy Secretary, and Division Directors. It would be helpful if there were funds to support this activity. | ERC has been active but new chairs were appointed and the group has revised the ERC plan. Submitting to DHR in Oct 2022 which proposed new awards.                                       |
| SP-1<br>Goal 3            | Continue Town Halls (see SP3-Goal 2)  | N/A  | N/A   | N/A   | N/A  |

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**STRATEGIC PRIORITY (SP-2)**

**Management and Supervisory Effectiveness**

Increase management and supervisory capacity to lead, engage and motivate a diverse and inclusive workforce to yield rigorous workforce outcomes and attainment of the state's mission, vision, and value proposition. \*

*\* At least one objective under this Strategic Priority should describe how the agency plans to address gaps in retention, recruitment, and workforce underrepresentation via collaboration with DHR.*

| <b>Strategic Priority</b> | <b>Objective</b>  | <b>Measures of Success/Key Results</b>   | <b>Responsible Group</b>         | <b>Resources</b>  | <b>Target Date to Launch</b>   |
|---------------------------|---|--|----------------------------------|---|--|
| SP-2<br>Goal 1            | Share and reward good supervisor/manager actions/leadership with a new award being established (part of SP1-Goal 2) | Number of nominations for Outstanding Sup/Manager Award  | Employee Recognition Committee   | Internal  | January 2023-need new plan approved by DHR.  |
| SP-2<br>Goal 2            | Continue targeted training for supervisors and managers   | DOL provided two cohorts of leadership training-looking into another cohort and DHR training options to plan for the next round. | DOL Trainer and Deputy Secretary | Funds to pay for training. Have used DOL Admin and Sec. Office fund previously. | Just had a cohort graduate from UD. Will have a direction for training in the 1st quarter of 2023. |

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**STRATEGIC PRIORITY (SP-3)**

**Professional Development, Education, and Awareness**

Enhance and provide professional, personal, and leadership development programs to advance the success of all employees across the life cycle of their careers with a key focus on equitable enrollment and participation in professional development, engagement, education, and training opportunities\*.

*\* At least one objective under this Strategic Priority should describe how the agency plans to address gaps in retention, recruitment, and workforce underrepresentation via collaboration with DHR.*

| <b>Strategic Priority</b> | <b>Objective</b>   | <b>Measures of Success/Key Results</b>   | <b>Responsible Group</b> | <b>Resources</b>  | <b>Target Date to Launch</b> |
|---------------------------|--|--|--------------------------|---|------------------------------|
| SP-3<br>Goal 1            | Implement a new DOL Training policy (to include tuition reimbursement) for DOL.            | Increase skills, education, and training for personnel.  | Deputy Secretary         | Funding to support outsourced training (including tuition reimbursement). | Oct 2022                     |
| SP-3<br>Goal 2            | Continue Monthly Town Halls  | <p>Good attendance and feedback</p> <p>This is where lots of information is shared with the entire department. We always showcase work occurring in the Division to have ongoing education about the department. This helps establish/maintain a DOL Community, breakdown silos, and keeps people informed.</p> <p>We also have guest speakers often for information and motivation.</p> | Communications           | N/A   | Ongoing                      |
| SP-3<br>Goal 3            | Increase internships to create a pipeline of workers and expose them to DOL as an employer | Working to create a process aligned with the DHR structure for this that helps attract workers and raise awareness about DOL being a potential employer. This will also help develop supervisory skills for incumbents.  | HR                       | Staff to support this effort.   | Jan 2023                     |